

California Integrated Waste Management Board

Plastic Recycling Technologies Section

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Frequently Asked Questions About California's Rigid Plastic Packaging Container (RPPC) Law

What is the RPPC law?

This program consists of statutes and regulations established to regulate companies who produce or generate products that are held in Rigid Plastic Packaging Containers (RPPCs), which are sold or offered for sale in California. The company name that appears on the container label of the product is designated by California law as the Product Manufacturer. Regulated Product Manufacturers must comply with the RPPC statute and regulations, regardless of whether or not asked to certify compliance. The regulations are available on line at: www.ciwmb.ca.gov/regulations/title14/ch4a3a.htm

What is a rigid plastic packaging container?

RPPCs...

- are made entirely of plastic, except for lids, caps, or labels
- have capacity of at least 8 fluid ounces but no more than 5 gallons, or the equivalent volumes
- can maintain their shape while holding a product
- are capable of multiple reclosures, and sold with an attached or unattached lid or cap

RPPCs are not...

- containers/blister packaging that cannot be reclosed
- flexible packages that do not maintain their shape while holding a product
- service packages that do not normally store a product for seven days
- plastic boxes that have at least one side that is not made of plastic
- plastic buckets with an attached metal handle

Why is my company considered a Product Manufacturer?

The company name that appears on the container label of a product is designated by California law as the Product Manufacturer. When a company's name, or any of its brand names or subsidiaries or affiliates, appear on the container label of a product that is sold or offered for sale into the state of California, either directly or indirectly (e.g.

through distributors, franchises, internet sales, etc.), then that company is subject to the requirements of the RPPC law.

What will happen to companies that ignore or do not respond to a request from the Board for certification? Or cannot demonstrate compliance?

California statute allows the Board to assess penalties of up to \$50,000 for any violation up to maximum of \$100,000. Violations include, but are not limited to, failure to submit all required forms, or submitting incomplete forms, or non-compliance with the RPPC law. In the past the Board has assessed penalties, after public hearing, for failure to submit forms. A full listing of penalty regulations are available on line at:

www.ciwmb.ca.gov/regulations/title14/ch4a3b.htm
(see Section 17949)

Penalties for specified violations of program requirements are as follows

Violation	Description of Violation	Penalty
1. CCR Section 17944; PRC Section 42310	Product manufacturer did not comply with container requirements. Penalty determined by degree of noncompliance.	\$5,000 — \$50,000
2. CCR Section 17946	Product manufacturer did not submit certification by due date.	\$1,000 — \$50,000
3. CCR Section 17946	Product manufacturer did not submit complete or accurate certification by due date. Degree of incompleteness or inaccuracies include, but are not limited to, misreporting exemptions; failure to account for all products; failure to account for subsidiaries and divisions; lack of container manufacturer's verification of number of containers sold or weight of containers; inconsistencies in information from product manufacturer and container manufacturer; lack of signatures; mathematical inaccuracies.	\$1,000 — \$50,000

Violation	Description of Violation	Penalty
4. CCR Section 17946; PRC Section 42321	Product manufacturer submitted false or misleading information on certification.	Referral to Attorney General for prosecution for fraud within 30 days of discovery by Board; maximum fine, \$100,000.

Certifications submitted late will be assessed the following penalties:

Days Late Amount of Penalty

1 - 30	\$1,000
31 - 60	\$5,000
More than 60 (Considered nonresponsive)	Up to \$50,000

If my company packages its products in containers that are recyclable, does that mean my company is in compliance?

No, although using resins that are recyclable is recommended, compliance with the RPPC law is based on whether or not the container includes 25% postconsumer resins in its total weight, or has been source reduced (light weighted) by 10%. A container that is recyclable, unless it also meets one of the compliance options, would not be compliant with the RPPC law.

What are my Compliance Options?

When the RPPC recycling rates do not meet the mandated levels for statewide rates, the CIWMB may require regulated companies to demonstrate individual compliance through a certification process.

Compliance options for regulated RPPCs include containers that:

- are made from at least 25 percent postconsumer resin
- are source reduced (light weighted) by 10 percent
- are reused or refilled at least 5 times¹
- have a recycling rate of 45 percent if it is a brand-specific RPPC

¹The reuse or refill option requires supplemental information; pursuant to Title 14 CCR 17946.5(3) available on line at:

www.ciwmb.ca.gov/regulations/title14/ch4a3b.htm

Must every RPPC meet one of the compliance options individually or can I average?

A company may demonstrate compliance by separately “averaging” the postconsumer content, the source reduction or the refill or reuse data of its containers (Title 14 CCR 17946.5). An average may be calculated using either data specific to containers sold in California, or nationwide. Averaging may be based upon an entire product line or sub lines, but it can only include regulated RPPCs for which the same compliance option is claimed. EVERY regulated RPPC must be included in the “average”, or meet with one of the compliance options. Non-regulated or exempt RPPCs cannot be included when calculating the average.

Are there any containers exempt from demonstrating compliance with the RPPC law?

Pursuant to Public Resource Code section 42340, some RPPCs are exempt from demonstrating compliance with this law. These include:

- containers produced in or outside of California that are destined for shipment outside California and that remain with the products upon shipment.
- containers specifically used for shipping drugs, medical devices, cosmetics, food, medical food, or infant formula as defined by the Federal Food, Drug, and Cosmetic Act.
- containers specifically used for shipping toxic or hazardous products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act.
- containers manufactured and specifically used for shipping hazardous materials, that are prohibited by federal law from being manufactured with “used material” (postconsumer resin) by federal packaging material specifications, or are subject to specified federal testing standards, or to which recommendations of the United Nations on the transport of dangerous goods are applicable.

If you believe you have containers that meet one or more of these exemptions, or have containers that qualify for a waiver then a written request for waiver and/or exemption (pursuant to Title 14, California Code of Regulations, Section 17944.2 and 17944.5) must be submitted and a “Product Manufacturer WAIVER and/or EXEMPT PRODUCTS Data Sheet” must be completed.

For more information or any questions...

If you have further questions regarding the RPPC program or would like to read the RPPC law, please visit the Integrated Waste Management Board’s Rigid Plastic Packaging Container web site:

www.ciwmb.ca.gov/plastic/rppc